



The Public Notification Rule

A Quick Reference Guide

Highlights

- Revises timing and distribution requirements — notice must be provided within 24 hours (Tier 1, instead of 72 hours), 30 days (Tier 2, instead of 14 days), or one year (Tier 3, instead of 90 days), based on the potential severity of the situation
- Expands list of violations and situations requiring immediate notification and broadens applicability of the public notice to other situations
- Simplifies mandatory health effects language and adds standard language for monitoring violations and for encouraging notice distribution
- Consolidates public notification requirements previously found in other parts of drinking water regulations
- Increases primacy agency flexibility
- Amends Consumer Confidence Report (CCR) regulations to conform to changes made in public notification regulations

Title

Revisions to the Public Notification Regulations for Public Water Systems (40 CFR Part 141, subpart Q), published May 4, 2000 (65 *FR* 25981)

Purpose

To notify the public any time a water system violates national primary drinking water regulations or has other situations posing a risk to public health

Effective Date

Rule is effective **June 5, 2000**

PWSs in jurisdictions directly implemented by EPA must meet these revised requirements

October 31, 2000

PWSs in primacy states must meet these revised requirements **May 6, 2002** or when the state adopts the revised regulations, whichever is sooner

Applicability

All PWSs violating national primary drinking water regulations, operating under a variance or exemption, or having other situations posing a risk to public health

Timing and Distribution

Notices must be sent within 24 hours, 30 days, or one year depending on the tier to which the violation is assigned (see page 2). The clock for notification starts when the PWS learns of the violation. Notices must be provided to persons served (not just billing customers).

Multilingual Requirements

Where the PWS serves a large proportion of non-English speakers, the PWS must provide information in the appropriate language(s) on the importance of the notice or on how to get assistance or a translated copy

Tier 1 (Immediate Notice, Within 24 Hours)

Notice as soon as practical or within 24 hours via radio, TV, hand delivery, posting, or other method specified by primacy agency, along with other methods if needed to reach persons served. PWSs must also initiate consultation with primacy agency within 24 hours. Primacy agency may establish additional requirements during consultation.

- Fecal coliform violations; failure to test for fecal coliform after initial total coliform sample tests positive
- Nitrate, nitrite, or total nitrate and nitrite MCL violation; failure to take confirmation sample
- Chlorine dioxide MRDL violation in distribution system; failure to take samples in distribution system when required
- Exceedance of maximum allowable turbidity level, if elevated to Tier 1 by primacy agency
- Special notice for non-community water systems (NCWSs) with nitrate exceedances between 10 mg/L and 20 mg/L, where system is allowed to exceed 10 mg/L by primacy agency
- Waterborne disease outbreak or other waterborne emergency
- Other violations or situations determined by the primacy agency

Tier 2 (Notice as Soon as Possible, Within 30 Days)

Notice as soon as practical or within 30 days. Repeat notice every three months until violation is resolved. CWSs: Notice via mail or direct delivery. NCWSs: Notice via posting, direct delivery, or mail. Primacy agencies may permit alternate methods. All PWSs must use additional delivery methods reasonably calculated to reach other consumers not notified by the first method.

- All MCL, MRDL, and treatment technique violations, except where Tier 1 notice is required
- Monitoring violations, if elevated to Tier 2 by primacy agency
- Failure to comply with variance and exemption conditions

* **Turbidity consultation:** Where PWSs have a treatment technique violation resulting from a single exceedance of the maximum allowable turbidity limit or an MCL violation resulting from an exceedance of the two-day turbidity limit, they must consult their primacy agency within 24 hours. Primacy agencies will then determine whether a Tier 1 notice is necessary. If consultation does not occur within 24 hours, violations are automatically elevated to Tier 1.

Tier 3 (Annual Notice)

Notice within 12 months; repeated annually for unresolved violations. Notices for individual violations can be combined into an annual notice (including the CCR, if public notification requirements can still be met). CWSs: Notice via mail or direct delivery. NCWSs: Notice via posting, direct delivery, or mail. Primacy agencies may permit alternate methods. All PWSs must use additional delivery methods reasonably calculated to reach other consumers not notified by the first method.

- Monitoring or testing procedure violations, unless primacy agency elevates to Tier 2
- Operation under a variance and exemption
- Special public notices (fluoride secondary maximum contaminant level (SMCL) exceedance, availability of unregulated contaminant monitoring results)

Requirements for Ongoing Violations

All new billing units and customers must be notified of ongoing violations or situations requiring notice

Relationship to the CCR

Where appropriate, the public notification and CCR requirements are consistent:

- Health effects language for MCL, MRDL, and treatment technique violations are the same
- Multilingual and certification requirements are similar
- CCR may be used for Tier 3 notification, provided public notification timing, content, and delivery requirements are met

Reporting and Record Keeping

- PWSs have ten days to send a certification of compliance and a copy of the completed notice to the primacy agency
- PWS and primacy agency must keep notices on file for three years
- Primacy agencies must report public notification violations to EPA on a quarterly basis

Primacy Requirements

- Primacy agencies must submit complete and final requests for approval of program revisions in order to maintain primacy for public notification
- Primacy agencies have up to 2 years to adopt the new regulations
- Primacy agencies must establish enforceable requirements and procedures if they choose to use any of the flexibilities allowed them in the public notification regulation (e.g., if they allow a PWS to use a different notification method or if they elevate a Tier 2 violation to Tier 1)

Materials Available to Support This Rule

EPA/ASDWA *Public Notification Handbook* provides sample notice templates for water systems and other aids for water systems preparing notices

Primacy Guidance for the Public Notification Rule provides guidance and formats for states preparing primacy program revisions to adopt public notification rule

For More Information

Safe Drinking Water Hotline

1-800-426-4791

Office of Ground Water and Drinking Water Web Site

<http://www.epa.gov/safewater/pn.html>

Contents of Notice (see sample notice on last page)

Unless otherwise specified in the regulations,* each notice must contain:

- 1) A description of the violation or situation, including contaminant levels, if applicable
- 2) When the violation or situation occurred
- 3) Any potential adverse health effects (using standard health effects language from Appendix B of the public notification rule or the standard monitoring language, see below)
- 4) The population at risk
- 5) Whether alternative water supplies should be used
- 6) What actions consumers should take
- 7) What the system is doing to correct the violation or situation
- 8) When the water system expects to return to compliance or resolve the situation
- 9) The name, business address, and phone number of the water system owner or operator
- 10) A statement (see below) encouraging distribution of the notice to others, where applicable

**These elements do not apply to notices for fluoride SMCL exceedances, availability of unregulated contaminant monitoring data, and operation under a variance or exemption. Content requirements for these notices are specified in the rule.*

Standard Language:

Standard Monitoring Language: We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [period] we [did not monitor or test/did not complete all monitoring or testing] for [contaminant(s)] and therefore cannot be sure of the quality of the drinking water during that time.

Standard Distribution Language: Please share this information with all the people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Sample Public Notice

DRINKING WATER WARNING

Springfield water has high levels of nitrate

DO NOT GIVE THE WATER TO INFANTS UNDER SIX MONTHS OLD OR USE IT TO MAKE INFANT FORMULA

AVISO

NO USE EL AGUA PARA PREPARAR ALIMENTOS PARA BEBES

Este informe contiene información muy importante sobre su agua potable. Hable con alguien que lo entienda bien o llame al teléfono 555-1200 para hablar en español sobre este aviso.

Water sample results received June 22, 1999 showed nitrate levels of 12 milligrams per liter (mg/l). This is above the nitrate standard, or maximum contaminant level (MCL), of 10 mg/l. Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

DO NOT GIVE THE WATER TO INFANTS. *Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome. Blue baby syndrome is indicated by blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*

Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice. Springfield Water Company and the Springfield Health Department are providing free bottled water to families with infants. Water is available between 9 a.m. and 5 p.m. Monday through Friday at the Health Department office at the Town Hall. Water will be provided until the nitrate problem is resolved.

Do not boil the water. Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.

Adults and children older than six months can drink the tap water (nitrate is a concern for infants because they can't process nitrates in the same way adults can). However, if you are pregnant or have specific health concerns, you may wish to consult your doctor.

What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems and run-off). Levels of nitrate in drinking water can vary throughout the year. We'll let you know when the amount of nitrate is again below the limit.

We are investigating water treatment and other options. These may include drilling a new well or mixing the water with low-nitrate water from another source. We anticipate resolving the problem by July 15.

For more information, please contact John Smith of the Springfield Water Company at (602) 555-1212. This notice was prepared and distributed by the Springfield Water Company, 500 Main Street, Springfield.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

4 - The population at risk

2 - When the violation or situation occurred

5 - Whether alternate water supplies should be used

7 - What is being done to correct the violation or situation

9 - Name, phone number, and business address for more information

Information for Spanish speakers

1 - A description of the violation or situation

3 - Potential health effects

6 - Actions consumers should take

8 - When the system expects to return to compliance

10 - Standard distribution language